

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-CV-219-BO-RJ

MONICA FAITH USSERY,)
)
Plaintiff,)
)
v.)
)
HONORABLE ROY COOPER, *et al.*,)
)
Defendants.)


ORDER

This cause comes before the Court on plaintiff's motion for leave to file a second amended complaint and two motions to dismiss the amended complaint for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. [DE 42, 35, 28].

Rule 15 of the Federal Rules of Civil Procedure requires that leave to amend should be freely given when justice so requires. Fed. R. Civ. P. 15(a)(2). Plaintiff seeks leave to file a second amended complaint in order to clarify and expand upon her claims, drop a party, add additional factual details, and add new claims under the North Carolina Constitution. No appearing party has opposed plaintiff's motion for leave to file a second amended complaint. Accordingly, the motion for leave to file a second amended complaint [DE 42] is GRANTED. Plaintiff shall file her second amended complaint within ten (10) days of the date of entry of this order.

The motions to dismiss the amended complaint [DE 35 & 28] are therefore DENIED AS MOOT. *See Fawzy v. Wauquiez Boats SNC*, 873 F.3d 451, 455 (4th Cir. 2017) (properly filed amended complaint renders original complaint of no effect).

SO ORDERED, this 7 day of November 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE